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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 Xiao Ye Bai,

14 Petitioner,

15 v.

16 Calvin Johnson, Warden, *et al.*,

17 Respondents.

Case No. 2:20-cv-02042-KJD-NJK

**Unopposed Motion for Extension
of Time to File Second Amended
Petition**

(First Request)

18 Petitioner Xiao Ye Bai respectfully asks this Court to enter an Order extending
19 his deadline of April 26, 2021 for filing his Second Amended Petition by 91 days, or
20 until July 26, 2021. Respondents do not oppose this request. This is Bai's first request
21 for an extension.
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1 **POINTS AND AUTHORITIES**

2 Bai filed his *pro se* § 2254 petition and motion for appointment of counsel on
3 November 5, 2020.¹ After initially denying Bai's motion for appointment of counsel,
4 upon reconsideration, this court appointed the Federal Public Defender on January
5 15, 2021.² Before the court issued a scheduling order, the Federal Public Defender's
6 Office appeared for Bai and filed a protective amended petition on January 22, 2021.³
7 On January 25, 2021, this court issued a scheduling order for Bai to file his second
8 amended petition by April 26, 2021.⁴

9 Although undersigned counsel has been diligently working on Bai's amended
10 petition, counsel has a Ninth Circuit Opening Brief due the same week of Bai's
11 deadline. In addition, counsel is still in the process of investigating Bai's case, which
12 spans Nevada, California, and China. An extension of time to file the Amended
13 Petition is necessary given the complexity of Bai's case and counsel's other
14 obligations.

15 This is Bai's first request for an extension on his Second Amended Petition.

16 On April 20, 2021, counsel for Respondents, Deputy Attorney Jaimie Stilz
17 indicated by email that Respondents do not oppose this request with the
18 understanding that the lack of objection is not waiver of any procedural defenses or
19 statute of limitations challenges or construed as agreeing with the accuracy of the
20 representations made in this Motion.

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¹ ECF No. 1-1, 1-2.

25 ² ECF No. 12.

26 ³ ECF Nos. 13, 14, 17.

27 ⁴ ECF No. 16.

1 Accordingly, Bai respectfully asks this Court to grant this motion and enter an
2 order extending the time in which he may file his Second Amended Petition by 91
3 days to July 26, 2021

4 Dated April 22, 2021.

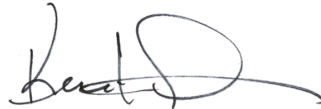
5 Respectfully submitted,

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7 Rene L. Valladares
8 Federal Public Defender

9 /s/ Ron Y. Sung

10 Ron Y. Sung
11 Assistant Federal Public Defender

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13 IT IS SO ORDERED:

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17 United States District Judge

18 Dated: 4/23/2021
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